



January 30, 2025

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN SUPPORT OF SB 250

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of Maryland and of the Bar of the District of Columbia. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland firearms law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License (“HQL”) and a certified NRA instructor in rifle, pistol, personal protection in the home, personal protection outside the home and in muzzle loader. I appear today as President of MSI in SUPPORT of SB 250.

The Bill

The Bill provides a tax credit on the State income tax for the purchase of a “firearm safety device.” Such devices include a safe, a gun safe, a gun case, a lock box or other device that can be used to store a firearm and that can only be unlocked by use of a key, combination or similar means. The amount of the tax credit is 100% of the cost of the device up to a cap of \$200 and is available to all taxpayers on a first come basis. The Bill directs the Comptroller to issue certificates for the tax credit, subject to a total limit of \$250,000 per year.

The Bill Is A Good Idea:

This Bill will encourage permit holders (who number over 200,000 individuals currently)¹ to buy gun safes for their vehicles. These individuals have a new need to do so because of Senate Bill 1, enacted last year. 2023 Maryland Session Laws, Ch. 680. As enacted by Senate Bill 1, MD Code, Criminal Law, § 6-411(d) prohibits a permit holder from entering any private property that is otherwise open to the public, such as stores and the like, unless “the owner or the owner's agent has posted a clear and conspicuous sign indicating that it is permissible to wear, carry, or transport a firearm on the property.” However, Section 6-411(a)(6) defines “property” for purposes of the ban on entering private property to mean only “a building” and further makes clear that “property does not include the land adjacent to a building.”

¹ As of July 1, 2024, there were 199,053 carry permit holders in Maryland. See Lott, Moody & Wang, Concealed Carry Permit Holders Across the United States: 2024 at 17 (available at <https://bit.ly/4hyabXV>) (last viewed Jan. 26, 2025). There are undoubtedly significantly more permit holders now.

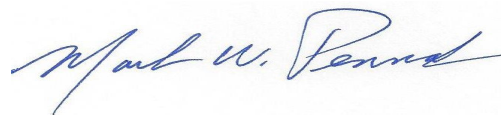
Similarly, MD Code, Criminal Law, § 4-111(a)(4), as enacted by Senate Bill 1, establishes a specified locations in which carry by a permit holder is banned, including in a government “building” or a “building” of a public or private institution of higher education. Section 4-111(a)(2) similarly bans possession of firearm by a permit holder at “(i) a preschool or prekindergarten facility or the grounds of the facility; (ii) a private primary or secondary school or the grounds of the school.” But Section 4-111(b)(11) provides that the bans imposed by Section 4-111 “do not apply” if the “firearm that is carried or transported in a motor vehicle if the firearm is: (i) locked in a container; or (ii) a handgun worn, carried, or transported in compliance with any limitations imposed under § 5-307 of the Public Safety Article, by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article.”

Taken together these provisions mean that carry permit holders may transport firearms in vehicles at all these locations. But the permit holder must lock the gun in a container in the vehicle should he or she wish to leave the vehicle and enter (1) the grounds of any private school or child care facility, or (2) enter any private property open to the public (a store) that does not have a sign allowing firearms or (3) wish to enter any government “building” or any “building” of an institute of higher education. It should be obvious that these provisions will likely mean that many more firearms will need to be “locked in a container” when the permit holder leaves the vehicle to go inside. Indeed, theft of firearms from vehicles is a problem that should concern everyone. See <https://everytownresearch.org/report/gun-thefts-from-cars-the-largest-source-of-stolen-guns-2/>. Such secure storage will help prevent the firearm from being stolen from the vehicle. This Bill will help make the purchase and use of such lockable “containers” more affordable and thus more likely.

The same sort of secure storage is also effectively mandated by enactment of Senate Bill 858 in 2023. See 2023 Maryland Session Laws, Ch. 622, *amending* MD Code, Criminal Law, § 4-104. That legislation affirmatively requires safe storage of a firearm, providing that “[a] person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised minor has access to the firearm.” MD Code, Criminal Law, § 4-104(c). Such access by minors is effectively prevented by the type of devices covered by this Bill. The Bill promotes such safe storage in the home by, again, making gun safes more affordable. Every safe will help. By any measure, this Bill is a “no brainer” public policy win-win for all concerned. The cost to the State is capped at \$250,000 a year and thus will not be a significant budget item.

We urge a favorable report.

Sincerely,



Mark W. Pennak
President, Maryland Shall Issue, Inc.
mpennak@marylandshallissue.org